

MONTANA LEGISLATIVE HISTORY

Chapter Did Not  
Pass 19 71

Bill H 451 S \_\_\_\_\_ Original bill & history ✓ c

H. Committee on Judiciary

Hearing Date(s) 2/5 ✓ c

Killed c

\_\_\_\_\_ c

\_\_\_\_\_ c

Date Out \_\_\_\_\_ c

S. Committee on \_\_\_\_\_

Hearing Date(s) \_\_\_\_\_ c

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Did this bill originate in an interim committee? \_\_\_\_\_ Yes \_\_\_\_\_ No

Committee \_\_\_\_\_

Report \_\_\_\_\_

House  
JUDICIARY

COMMITTEE

42nd Legislative Assembly

Bill No.	Subject Matter	Date In	Hearing Date	Comments	Date Out	Committee Action	Final Action
HB 425	To codify the law with regard to medical liability based on negligence	1/22/71	2/2/71		2/2/71	DO NOT PASS	KILLED
HB 435	Provides that contributory negligence shall not be a bar to recovery of damages	1/22/71	2/5/71		2/6/71	DO NOT PASS	KILLED
HB 436	Provides for jury trial upon questions of fact of disability, etc.	1/22/71	2/5/71		2/6/71	DO NOT PASS	KILLED
HB 437	Amends section providing for peremptory challenges	1/22/71	2/3/71		2/3/71	DO PASS	GOVERNOR
HB 447	Amends section relating to filing of liens on motor vehicle	1/22/71	2/3/71		2/3/71	DO PASS	KILLED
HB 451	Provides for personal and property protection motor vehicle ins. etc.,	1/22/71	2/5/71		2/5/71	DO NOT PASS	KILLED

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*House* BILL NO. *451*  
INTRODUCED BY *FAGE (BY REQUEST)*

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR  
PERSONAL AND PROPERTY PROTECTION MOTOR VEHICLE INSURANCE  
WITH BENEFITS PAYABLE WITHOUT REGARD TO FAULT; REPEALING  
ALL ACTS AND PARTS OF ACTS INCONSISTENT HERewith; AND  
PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF  
MONTANA:

Section 1. Purpose. This act provides a means of  
promptly and equitably compensating persons for  
accidental bodily injury and property damage arising  
from the ownership, operation, maintenance or use of  
motor vehicles, in lieu of tort liability.

Section 2. Registration of vehicles and security  
for payment of benefits.

(1) Security required for registered motor vehicles.

(a) Continuous security. The owner or registrant of  
a motor vehicle required to be registered in this state  
shall maintain security as defined by subsection 2(2) in  
effect continuously throughout the registration period.

(b) Benefits to be secured. Security is required  
for payment of benefits under personal protection  
insurance, property protection insurance and residual  
liability insurance as they are set forth in this  
chapter.

(c) Motor vehicle. A motor vehicle for purposes  
of this chapter is any vehicle, including any trailer,

INTRODUCED BILL

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1 operated or designed for operation upon a public highway  
2 by any power other than muscular power.

3 (2) Security. (a) Insurance. Security for the  
4 payment of the benefits required by subsection 2(1) may  
5 be provided with respect to any motor vehicle under a  
6 policy issued by an insurer duly authorized to transact  
7 business in this state which affords insurance for the  
8 payment of such benefits. Any policy of insurance  
9 represented or sold as providing the security required  
10 for registered motor vehicles under this chapter shall  
11 be deemed to provide insurance for the payment of such  
12 benefits.

13 (b) Other security. Security for the payment of  
14 such benefits may be provided with respect to any motor  
15 vehicle by any other method approved by the Montana  
16 highway patrol board as affording security equivalent  
17 to that afforded by a policy of insurance, provided proof  
18 of such security is filed and continuously maintained  
19 with the Montana highway patrol board throughout the  
20 registration period. The person filing such security  
21 shall have all of the obligations and rights of an  
22 insurer under this chapter. Whenever the context  
23 permits, the word "insurer", as used in this chapter,  
24 includes any such person.

25 (3) Security by nonresidents. A nonresident owner  
26 or registrant of a motor vehicle not registered in this  
27 state shall not operate or permit such vehicle to be  
28 operated in this state for an aggregate of more than  
29 thirty (30) days in any calendar year unless he  
30 continuously maintains security for the payment of

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benefits in accordance with the terms of subsection 2(1).

(4) Illegal operation of a motor vehicle. Any owner or registrant of a motor vehicle with respect to which security is required under subsection 2(1), who operates such motor vehicle or permits it to be operated upon a public highway in this state without having in full force and effect security complying with the terms of subsections 2(2) or 2(3) is guilty of a misdemeanor. Any other person who operates such a motor vehicle upon a public highway in this state with the knowledge that the owner or registrant does not have such security in full force and effect is guilty of a misdemeanor. Each person convicted of a misdemeanor under the terms of this section shall have his license and, if an owner or registrant, his registration revoked and may be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or may be imprisoned for not more than one (1) year or both.

Section 3. Terms and conditions of personal protection insurance.

(1) Liability for personal protection insurance benefits. (a) Basis for payment. Under personal protection insurance the insurer is liable to pay benefits for accidental bodily injury arising out of the ownership, operation, maintenance or use of a motor vehicle as a motor vehicle, subject to the provisions of this chapter.

(b) No fault. Personal protection insurance benefits are due under the provisions of this chapter without regard to fault.

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1 (c) Accidental bodily injury.

2 (i) Bodily injury. Bodily injury includes death  
3 resulting therefrom and damage to or loss of a person's  
4 prosthetic devices in connection with such injury.

5 (ii) Accidental bodily injury. Bodily injury is  
6 accidental as to one claiming personal protection  
7 insurance benefits unless suffered intentionally by the  
8 injured person or caused intentionally by the claimant.  
9 Even though a person knows that bodily injury is  
10 substantially certain to be caused by his act or omission,  
11 he does not cause or suffer injury intentionally if he  
12 acts or refrains from acting for the purpose of averting  
13 injury to property or to any person or persons including  
14 himself.

15 (d) Parked vehicles. Accidental bodily injury does  
16 not arise out of the ownership, operation, maintenance  
17 or use of a parked vehicle as a motor vehicle unless

18 (i) the vehicle was parked in such a way as to  
19 cause unreasonable risk of the bodily injury which  
20 occurred, or

21 (ii) such injury was a direct result of physical  
22 contact with; equipment permanently mounted on such  
23 vehicle, while such equipment was being operated or used  
24 or; property being lifted onto or lowered from such  
25 vehicle in the loading or unloading process, or

26 (iii) such injury was sustained by a person while  
27 occupying, entering into or alighting from such vehicle.

28 (2) Personal protection insurance benefits. (a)  
29 Elements. Personal protection insurance benefits are  
30 payable for the following:

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(i) Allowable expenses. Allowable expenses consist of all reasonable charges incurred for reasonably necessary products, services and accommodations for an injured person's care, recovery or rehabilitation. Allowable expenses within personal protection insurance coverage shall not include; charges for a hospital room in excess of a reasonable and customary charge for semi-private accommodations except when the injured person requires special or intensive care or; charges for funeral and burial expenses to the extent that the total exceeds one thousand dollars (\$1,000).

(ii) Work loss. Work loss consists of; loss of income from work an injured person would have performed had he not been injured, including loss of pension and social security benefit entitlements, and; expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those that, had he not been injured, an injured person would have performed, not for income but for the benefit of himself or of any dependent of his; provided, however, that work loss does not include any loss after the date on which the injured person dies.

Because the benefits received from personal protection insurance for loss of income are not taxable income, the benefits payable for such loss of income will be reduced fifteen percent (15%) unless the claimant presents to the insurer in support of his claim reasonable proof of a lower value of the income tax advantage in his case, in which event such lower value shall apply.

The benefits payable for work loss sustained in any one thirty (30) day period and the income earned by an

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1 injured person for work during the same period shall  
2 together not exceed seven hundred fifty dollars (\$750),  
3 such maximum to apply pro rata to any lesser period of  
4 work loss.

5 (iii) Survivors' loss. Survivors' loss consists of  
6 loss, after the date on which the deceased died, of  
7 contributions of tangible things of economic value (not  
8 including services) that persons who are dependents of  
9 the deceased at the time of his death would have received  
10 for support during their dependency from the deceased  
11 had he not suffered the accidental bodily injury causing  
12 death and; expenses reasonably incurred by such  
13 dependents during their dependency and after the date on  
14 which the deceased died in obtaining ordinary and  
15 necessary services in lieu of those that the deceased  
16 would have performed for their benefit had he not  
17 suffered the injury causing death. The benefits payable  
18 for survivors' loss in connection with the death of any  
19 person in any one thirty (30) day period shall not exceed  
20 seven hundred fifty dollars (\$750) and shall not be  
21 payable beyond the normal life expectancy of the deceased,  
22 as determined by reference to the mortality tables  
23 designated by the commissioner of insurance for this  
24 purpose.

25 (b) Social security benefits. The amount of all  
26 disability and survivor benefits a claimant recovers or  
27 is entitled to recover under the Social Security Act  
28 (U.S. Code, Title 42, sections 301 et seq.) because of  
29 accidental bodily injury shall be subtracted from the  
30 personal protection insurance benefits otherwise payable



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1 for the injury.

2 (c) Injured person. An injured person is a natural  
3 person suffering accidental bodily injury.

4 (d) Dependents. The following described persons  
5 shall be conclusively presumed to be dependents of a  
6 deceased person: 1. a wife is dependent on a husband  
7 with whom she lives at the time of his death; 2. a  
8 husband is dependent on a wife with whom he lives at the  
9 time of her death; 3. any child while under the age  
10 of eighteen (18) years, or over said age but physically  
11 or mentally incapacitated from earning, is dependent  
12 on the parent with whom he is living or from whom he is  
13 receiving support regularly at the time of the death of  
14 such parent. In all other cases, questions of  
15 dependency and the extent of dependency shall be  
16 determined in accordance with the facts, as the facts  
17 may be at the time of the death.

18 The dependency of a surviving spouse shall terminate  
19 upon death or remarriage. The dependency of any other  
20 person shall terminate upon the death of such person  
21 and shall continue only so long as such person is; under  
22 the age of eighteen (18) years or; physically or mentally  
23 incapacitated from earning or; engaged full time in a  
24 formal program of academic or vocational education or  
25 training.

26 (e) Accrual of personal protection insurance  
27 benefits. Personal protection insurance benefits payable  
28 for accidental bodily injury accrue not when the injury  
29 occurs but rather as the allowable expense, work loss  
30 or survivors' loss is incurred.

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1           (3) Out of state injuries. Personal protection  
2 insurance benefits are payable for accidental bodily  
3 injury suffered in an accident occurring out of this  
4 state, if the accident occurs within the United States,  
5 its territories and possessions or in Canada, and the  
6 person whose injury is the basis of the claim was at  
7 the time of the accident; a named insured under a  
8 personal protection insurance policy; his spouse; a  
9 relative of either domiciled in the same household or;  
10 an occupant of a vehicle involved in the accident whose  
11 owner or registrant was insured under a personal  
12 protection insurance policy or has provided security  
13 approved by the Montana highway patrol board under  
14 subsection 2(2)(b).

15           (4) Payment of personal protection insurance  
16 benefits. Personal protection insurance benefits are  
17 payable to or for the benefit of the injured person or,  
18 in the event of his death, to or for the benefit of his  
19 dependents. If an insurer in good faith pays the  
20 personal protection insurance benefits required by this  
21 act to or for the benefit of a person who it believes  
22 is entitled to such benefits, such payment shall discharge  
23 the insurer's liability to the extent of such payments  
24 unless the insurer has been notified in writing of the  
25 claim of some other person. If there is doubt about the  
26 proper person to receive such benefits or the proper  
27 apportionment among the persons entitled thereto, the  
28 insurer, the claimant or any other interested person  
29 may apply to the court for an appropriate order. The  
30 court shall have all power necessary to designate the

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1 payees and to make an equitable apportionment, taking  
2 into account the relationship of the payees to the  
3 injured person and such other factors as the court  
4 considers appropriate. In the absence of a court order  
5 directing otherwise the insurer may pay

6 (a) to the dependent of the injured person, the  
7 personal protection insurance benefits accrued prior to  
8 his death without the appointment of an administrator  
9 or executor,

10 (b) to the surviving spouse, the personal  
11 protection insurance benefits due any dependent children  
12 living with such spouse.

13 (5) Persons not entitled to personal protection  
14 insurance benefits. A person is not entitled to be  
15 paid personal protection insurance benefits for  
16 accidental bodily injury if at the time of the accident,

17 (a) such person was using a motor vehicle which  
18 he had taken unlawfully, unless he reasonably believed  
19 that he was entitled to take and use the vehicle, or

20 (b) such person was the owner or registrant of a  
21 motor vehicle involved in the accident with respect  
22 to which the security required by subsection 2(2) was  
23 not in effect, or

24 (c) such person was not a resident of this state,  
25 and was an occupant of a motor vehicle not registered  
26 in this state, and was not insured by an insurer which  
27 has filed a certification in compliance with section  
28 9(4).

29 (6) Policies applicable to an accident. (a)  
30 Family coverage primary. Except as provided in

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1 paragraphs (b) and (c) of this subsection, each personal  
2 protection insurance policy shall apply to accidental  
3 bodily injury to the person named in such policy, his  
4 spouse, and any relative of either domiciled in the  
5 same household. When personal protection insurance  
6 benefits are payable to or for the benefit of an injured  
7 person under his own policy and would also be payable  
8 under the policy of his spouse, relative or relative's  
9 spouse, the injured person's insurer shall pay all of the  
10 benefits and shall not be entitled to recoupment from  
11 the other insurer.

12 (b) Public passenger vehicle. Any person suffering  
13 accidental bodily injury while an operator or a passenger  
14 of a motor vehicle operated in the business of trans-  
15 porting passengers shall receive the personal protection  
16 insurance benefits to which he is entitled from the  
17 insurer of such motor vehicle.

18 (c) Vehicles furnished by employers. Any employee,  
19 his spouse or any relative of either domiciled in the  
20 same household who suffers accidental bodily injury  
21 while an occupant of a motor vehicle owned or registered  
22 by the employer of such employee shall receive personal  
23 protection insurance benefits to which he is entitled  
24 from the insurer of the furnished vehicle.

25 (d) Vehicle occupants not otherwise covered.  
26 Except as provided in paragraphs (a) through (c) of  
27 this subsection, any person suffering accidental bodily  
28 injury while an occupant of a motor vehicle shall claim  
29 personal protection insurance benefits from insurers in  
30 the following order of priority: 1. the insurer of

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1 the owner or registrant of the vehicle occupied. 2.

2 the insurer of the operator of the vehicle occupied.

3 (e) Persons not occupying any vehicle.

4 (i) Claims. Except as provided in paragraph (a)  
5 of this subsection, any person suffering accidental  
6 bodily injury while not an occupant of a motor vehicle  
7 shall claim personal protection insurance benefits from  
8 insurers in the following order of priority: 1. insurers  
9 of owners or registrants of motor vehicles involved in the  
10 accident. 2. insurers of operators of motor vehicles  
11 involved in the accident.

12 (2) Distribution of loss. When two or more  
13 insurers are in the same order of priority to provide  
14 personal protection insurance benefits any insurer  
15 paying benefits due is entitled to partial recoupment  
16 from the other insurer or insurers in the same order  
17 of priority, together with a reasonable amount of  
18 partial recoupment of the expense of processing the  
19 claim, in order to accomplish equitable distribution  
20 of the loss among such insurers.

21 (f) Determination of personal protection insurance  
22 benefits per person. Any limitation upon the amount  
23 of personal protection insurance benefits available  
24 because of accidental bodily injury to one person  
25 arising from one motor vehicle accident shall be  
26 determined without regard to the number of policies  
27 applicable to the accident.

28 (7) Insurers rights of reimbursement and indemnity.

29 (a) Net tort claim recovery. No subtraction from  
30 personal protection insurance benefits will be made

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1 because of the value of a claim in tort based on the  
2 same accidental bodily injury, but after recovery is  
3 realized upon such a tort claim, a subtraction will be  
4 made to the extent of the recovery, exclusive of  
5 reasonable attorneys' fees and other reasonable expenses  
6 incurred in effecting the recovery. If personal protec-  
7 tion insurance benefits have already been received, the  
8 claimant shall repay to the insurer or insurers out  
9 of the recovery a sum equal to the benefits received,  
10 but not more than the recovery exclusive of reasonable  
11 attorneys' fees and other reasonable expenses incurred  
12 in effecting the recovery. The insurer or insurers shall  
13 have a lien on the recovery to this extent. No recovery  
14 by an injured person or his estate for loss suffered  
15 by him will be subtracted in calculating benefits due  
16 a dependent after the death, and no recovery by a  
17 dependent for loss suffered by the dependent after the  
18 death will be subtracted in calculating benefits due the  
19 injured person.

20 (b) Indemnity from one paying in tort without  
21 regard for rights of insurer having reimbursement  
22 interest. A personal protection insurer with a right  
23 of reimbursement under paragraph (a) of this subsection,  
24 if suffering loss from inability to collect such  
25 reimbursement out of a payment received by a claimant  
26 upon a tort claim is entitled to indemnity from one who,  
27 with notice of the insurer's interest, made such a  
28 payment to the claimant without making the claimant  
29 and the insurer joint payees as their interests may  
30 appear, or without obtaining the insurer's consent to

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1 a different method of payment.

2 (c) Accidents involving commercial vehicles.

3 (i) Any insurer, other than the insurer of a  
4 motor vehicle operated in the business of transporting  
5 passengers, which pays personal protection insurance  
6 benefits with respect to any person suffering accidental  
7 bodily injury in an accident involving a vehicle designed  
8 or primarily used to transport property or equipment  
9 over a public highway shall have a right of reimburse-  
10 ment from the personal protection insurer of such  
11 vehicle; provided that the total reimbursement obligation  
12 of the insurer of such vehicle shall not exceed one  
13 million dollars (\$1,000,000) with respect to all  
14 accidental bodily injury resulting from such accident.  
15 When two (2) or more personal protection insurers have  
16 an obligation to make reimbursements under this paragraph  
17 with respect to the same accident, they shall share  
18 the obligation equally, but the limitation of the total  
19 reimbursement obligation stated above applies separately  
20 to each.

21 (ii) For purposes of this paragraph, a vehicle shall  
22 be considered to be involved in an accident only if  
23 there is physical contact of such vehicle with the person  
24 injured or the vehicle which he is occupying, or with  
25 another vehicle or object involved in the accident or,  
26 the operator of such vehicle is convicted of a traffic  
27 violation which contributed to the accident.

28 (8) Primary and collateral sources of indemnity.

29 (a) Statutory sources. The personal protection insurer  
30 shall have the primary obligation to indemnify for the

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1 elements of loss as defined in subsection 3(2)(a) }  
2 because of accidental bodily injury arising out of the  
3 ownership, operation, maintenance or use of a motor  
4 vehicle as a motor vehicle. Payment by such insurer of  
5 personal protection insurance benefits with respect  
6 to such injury shall operate to discharge, to the  
7 extent of such payment, the obligations of any person,  
8 organization, insurer or governmental agency to indemnify  
9 against such loss under any workmen's compensation,  
10 unemployment compensation or disability benefits law or  
11 any similar law. In the event the personal protection  
12 insurer fails to pay any of such benefits due under this  
13 chapter with respect to such injury, then the person,  
14 organization, insurer or governmental agency shall have,  
15 with respect to any payment it may be obligated to make,  
16 a lien upon the obligation of the personal protection  
17 insurer, by giving prior written notice of its intention  
18 to make payment for such injury.

19 (b) Other collateral sources. Any person, organ-  
20 ization or insurer may include in any contract or benefit  
21 plan which it offers or sells, a provision excluding  
22 benefits for accidental bodily injury which are payable  
23 under personal protection insurance.

24 Section 4. Terms and conditions of property  
25 protection insurance.

26 (1) Liability for property protection insurance  
27 benefits. (a) Basis for payment. Under property  
28 protection insurance the insurer is liable to pay  
29 benefits for accidental damage to tangible property  
30 arising out of the ownership, operation, maintenance



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1 or use of a motor vehicle as a motor vehicle subject to  
2 the provisions of this section.

3 (b) No fault. Property protection insurance  
4 benefits are due under the conditions stated in this  
5 chapter without regard to fault.

6 (2) Definitions. (a) Accidental damage to  
7 tangible property.

8 (i) Damage to tangible property. Damage to  
9 tangible property consists of physical injury to or  
10 destruction of such property and loss of use of such  
11 property so injured or destroyed.

12 (ii) Accidental damage to tangible property.  
13 Damage to tangible property is accidental, as to one  
14 claiming property protection insurance benefits, unless  
15 it is suffered or caused intentionally by the claimant.  
16 Even though a person knows that damage to tangible  
17 property is substantially certain to be caused by his  
18 act or omission, he does not cause or suffer such damage  
19 intentionally if he acts or refrains from acting for  
20 the purpose of averting injury to any person or persons,  
21 including himself, or for the purpose of averting  
22 damage to tangible property.

23 (b) Property protection insurance benefits.  
24 Property protection insurance benefits consist of the  
25 lesser of reasonable repair costs or replacement costs  
26 less depreciation and, where applicable, the value of  
27 loss of use, provided however, that the property  
28 protection insurance benefits paid under one policy for  
29 damage to all tangible property arising from one  
30 accident shall not exceed one million dollars

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1 (\$1,000,000).

2 (3) Exclusions. (a) Property. Damage to the  
3 following kinds of property is excluded from property  
4 protection insurance benefits:

5 (i) Motor vehicles and their contents;

6 (ii) property owned by a person named in a property  
7 protection insurance policy, his spouse or a relative of  
8 either domiciled in the same household, if the person  
9 named, his spouse or such relative was the owner,  
10 registrant or operator of a vehicle involved in the  
11 motor vehicle accident out of which the property damage  
12 arose.

13 (b) Out of state accidents. Property protection  
14 insurance benefits are not payable for property damage  
15 arising from motor vehicle accidents occurring out of  
16 this state.

17 (4) Property protection claims. Persons suffering  
18 accidental property damage shall claim property  
19 protection insurance benefits from insurers in the  
20 following order of priority: (a) insurers of owners  
21 or registrants of vehicles designed and primarily used  
22 to transport property or equipment over a public highway,  
23 which are involved in the accident out of which the  
24 property damage arose; (b) insurers of owners or  
25 registrants of other type vehicles involved in the  
26 accident; (c) insurers of operators of other type  
27 vehicles involved in the accident.

28 (5) Distribution, reimbursement and indemnity.  
29 The provisions for distribution of loss and for  
30 reimbursement and indemnification among personal

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1 protection insurers as set forth in subsections  
2 3(6)(e)(2) and 3(7)(a) and (b) also apply to property  
3 protection insurers.

4 Section 5. Terms and conditions of residual  
5 liability insurance.

6 (1) Residual liability insurance. Residual  
7 liability insurance shall cover bodily injury and  
8 property damage which occurs outside this state and  
9 within the United States, its territories and possessions  
10 or in Canada. Such insurance shall afford coverage  
11 equivalent to that required as evidence of automobile  
12 liability insurance under the financial responsibility  
13 laws of the place in which the injury or damage occurs.

14 Section 6. Tort exemption.

15 (1) Exemption precludes tort liability. Whenever  
16 accidental bodily injury or accidental damage to tangible  
17 property arises out of the ownership, operation,  
18 maintenance or use of a motor vehicle as a motor vehicle,  
19 an owner, registrant, operator or occupant of a motor  
20 vehicle involved in the accident and persons or  
21 organizations legally responsible for his acts or  
22 omissions are exempt from tort liability for the bodily  
23 injury or property damage, provided that an owner,  
24 registrant, operator or occupant shall not be so exempt  
25 if he is excluded under subsection 3(5) from personal  
26 protection insurance benefits for accidental bodily  
27 injury arising from the same motor vehicle accident.  
28 This exemption shall apply wherever the law of this state  
29 is controlling in determining tort liability.

30 Section 7. Claims.

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1           (1) Duty to give notice of accident. An insurer  
2 may require written notice to be given as soon as  
3 practicable after an accident involving a motor vehicle  
4 with respect to which the policy affords the security  
5 required by this chapter.

6           (2) Personal protection insurance benefits payable  
7 periodically. (a) When payable. Personal protection  
8 insurance benefits are payable as loss accrues.

9           (b) When overdue. Personal protection insurance  
10 benefits are overdue if not paid within thirty (30)  
11 days after the insurer receives reasonable proof of the  
12 fact and of the amount of loss sustained. If reasonable  
13 proof is not supplied as to the entire claim, the amount  
14 supported by reasonable proof is overdue if not paid  
15 within (30) days after such proof is received by the  
16 insurer. Any part or all of the remainder of the claim  
17 that is later supported by reasonable proof is overdue  
18 if not paid within thirty (30) days after such proof  
19 is received by the insurer. For the purpose of  
20 calculating the extent to which any benefits are overdue,  
21 payment shall be treated as made on the date a draft  
22 or other valid instrument was placed in the United States  
23 mail in a properly addressed, postpaid envelope, or, if  
24 not so posted, on the date of delivery.

25           (c) Interest on overdue payments. All overdue  
26 payments bear simple interest at the rate of six percent  
27 (6%) per annum.

28           (3) Benefits not assignable. An agreement for  
29 assignment of any rights to benefits payable in the  
30 future is unenforceable.

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1           (4) Lump sum settlements. Rights and obligations  
2 arising under personal protection insurance, either  
3 with respect to a claim for a limited period of time or  
4 with respect to all future loss arising from an  
5 accidental bodily injury, may be discharged by; lump sum  
6 settlement for an amount not exceeding one thousand  
7 dollars (\$1,000) or; settlement for a larger lump sum  
8 with judicial approval upon a finding that the settlement  
9 will contribute substantially to the welfare or  
10 rehabilitation of the injured person or his dependents.

11           (5) Limitation of actions. (a) Personal  
12 protection insurance. No action for the recovery of  
13 personal protection insurance benefits payable under  
14 this act for accidental bodily injury may be commenced  
15 later than one (1) year after the date of the accident  
16 causing such injury unless written notice of injury  
17 as provided herein has been given to the insurer  
18 within one (1) year after the accident or unless the  
19 insurer has previously made a payment of personal  
20 protection insurance benefits for such injury. If  
21 such a notice has been given or such a payment has been  
22 made, the action may be commenced at any time within  
23 a period of one (1) year after the most recent allowable  
24 expense, work loss or survivor's loss has been incurred;  
25 provided, however, that the claimant may not recover  
26 benefits for any portion of the loss incurred more than  
27 one (1) year prior to the date on which the action  
28 was commenced. The notice of injury required by this  
29 paragraph may be given to the insurer or any of its  
30 authorized agents by any person claiming to be entitled

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1 to benefits therefor, or by someone in his behalf. The  
2 notice shall give the name and address of the claimant  
3 and indicate in ordinary language the name of the person  
4 injured and the time, place and nature of his injury.

5 (b) Property protection insurance. No action for  
6 the recovery of property protection insurance benefits  
7 shall be commenced later than one (1) year after the  
8 accident.

9 (c) Insurer's rights of reimbursement and indemnity.  
10 No action by an insurer to enforce its rights of recovery  
11 or indemnity under subsection 3(7) may be commenced later  
12 than one (1) year after the payment has been received by  
13 a claimant upon a tort claim with respect to which the  
14 insurer has a right of reimbursement or recovery under  
15 paragraph 3(7)(a) or (b), or, the payment has been made by  
16 the insurer with respect to which the insurer has a right  
17 of reimbursement under paragraph 3(7)(c).

18 (6) Periods as to which judgments are binding;  
19 limitation of actions for new judgments. (a) Judgment  
20 for future benefits if reasonably certain determination  
21 can be made. Upon trial of an action for personal  
22 protection insurance benefits, or upon retrial pursuant  
23 to an application filed under the terms of this section,  
24 judgment shall be entered as to all benefits to come due  
25 thereafter during such periods as to which the court  
26 finds that a reasonably certain determination of  
27 future loss can be made in the light of the  
28 evidence.

29 (b) Judgment for personal protection insurance  
30 benefits due more than five (5) years after judgment;

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1 application for new trial. A judgment awarding personal  
2 protection insurance benefits to come due more than  
3 five (5) years after the date of the judgment may be  
4 set aside upon application of an interested party  
5 presented for hearing not sooner than five (5) years  
6 after the date of the judgment. Upon such application,  
7 the only issue to be tried is the amount of any unpaid  
8 benefits coming due not less than five (5) years after  
9 the date of the judgment and not more than one (1) year  
10 before the date of the application, and that issue shall  
11 be the subject of a new trial.

12 (7) Attorney's fees. (a) Claimant's attorney.  
13 An attorney is entitled to a reasonable fee for  
14 advising and representing a claimant in an action for  
15 personal or property protection insurance benefits which  
16 are overdue. The attorney's fee shall be a charge  
17 against the insurer in addition to the benefits  
18 recovered, if the court finds that the insurer unrea-  
19 sonably refused to pay the claim or unreasonably delayed  
20 in making proper payment.

21 (b) Insurer's attorney. Within the discretion of  
22 a court, an insurer may be allowed an award of a  
23 reasonable sum against a claimant as an attorney's fee  
24 for the insurer's attorney in defense against a claim  
25 that was in some respect fraudulent or so excessive as  
26 to have no reasonable foundation. To the extent that  
27 any personal or property protection insurance benefits  
28 are then due or thereafter come due to the claimant  
29 because of loss resulting from the injury on which the  
30 claim is based, such a fee may be treated as an offset

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1 against such benefits; also, judgment may be entered  
2 against the claimant for any amount of a fee awarded  
3 against him and not offset in this way or otherwise  
4 paid.

5 Section 8. Examination, treatment and rehabili-  
6 tation of injured persons; discovery.

7 (1) Mental and physical examination of injured  
8 person. Whenever the mental or physical condition of a  
9 person is material to any claim that has been or may be  
10 made for past or future personal protection insurance  
11 benefits, the person shall submit to mental or physical  
12 examination by a physican or physicians. Personal  
13 protection insurers are authorized to include reasonable  
14 provisions in personal protection insurance policies for  
15 mental and physical examination of those claiming  
16 personal protection insurance benefits.

17 (2) Reports. If requested by the person examined,  
18 a party causing an examination to be made shall deliver  
19 to him a copy of every written report concerning the  
20 examination rendered by an examining physician, at least  
21 one (1) of which reports must set out his findings and  
22 conclusions in detail. After such request and delivery,  
23 the party causing the examination to be made is entitled  
24 upon request to receive from the person examined every  
25 written report available to him (or his representative)  
26 concerning any examination, previously or thereafter  
27 made, of the same mental or physical condition. By  
28 requesting and obtaining a report of the examination so  
29 ordered or by taking the deposition of the examiner,  
30 the person examined waives any privilege he may have,



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1 in relation to the claim for benefits, regarding the  
2 testimony of every other person who has examined or  
3 may thereafter examine him in respect of the same  
4 mental or physical condition.

5 (3) Sanctions. A court may make such orders in  
6 regard to the refusal to comply with subsections 8(1)  
7 and 8(2) as are just, except that no order shall be  
8 entered directing the arrest of any person for disobeying  
9 an order to submit to a physical or mental examination.  
10 The orders that may be made in regard to such a refusal  
11 include, but are not limited to, the following: (a)  
12 an order that the mental or physical condition of the  
13 disobedient person shall be taken to be established  
14 for the purposes of the claim in accordance with the  
15 contention of the party obtaining the order; (b) an  
16 order refusing to allow the disobedient person to support  
17 or oppose designated claims or defenses, or prohibiting  
18 him from introducing evidence of mental or physical  
19 condition; (c) an order rendering judgment by default  
20 against the disobedient person as to his entire claim or  
21 a designated part of it; (d) an order requiring the  
22 disobedient person to reimburse the insurer for  
23 reasonable attorneys' fees and expenses incurred in  
24 defense against the claim; (e) an order requiring  
25 delivery of a report, in conformity with subsection 8(2),  
26 on such terms as are just, and if a physician fails or  
27 refuses to make such report a court may exclude his  
28 testimony if offered at trial.

29 (4) Authorization for rehabilitative treatment or  
30 occupational training; cost of treatment or training.

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1 The insurer, whose policy is applicable to the  
2 accidental bodily injury, may propose and is responsible  
3 for rehabilitation procedures or treatment, and  
4 rehabilitative occupational training for the injured  
5 person. Any such procedures, treatment or course of  
6 rehabilitation must meet the following standards:

7 (a) any specified procedure or treatment, whether  
8 or not involving surgery, must be recognized and  
9 medically accepted;

10 (b) any specified course of occupational training  
11 must be a recognized form of training and be reasonable  
12 and appropriate for the particular case;

13 (c) any specified procedure, treatment or training  
14 must contribute substantially to rehabilitation;

15 (d) the cost of such procedure, treatment or  
16 training must be reasonable in relation to its probable  
17 rehabilitative effects.

18 (5) Order concerning injured person's refusal of  
19 rehabilitative treatment or occupational training.

20 (a) Basis for order. After a hearing upon application  
21 by any interested person and reasonable notice to all  
22 other interested persons, and upon findings, supported  
23 by evidence, as stated in subsection 8(4) and further  
24 findings; that the injured person has refused or has  
25 by his conduct caused the insurer reasonably to believe  
26 that he may refuse to submit to such procedure, treatment,  
27 or training, and, that he does not have reasonable  
28 grounds to continue such refusal, a court may enter  
29 an order invoking reasonable sanctions against the  
30 injured person and others whose claims are based on his

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1 accidental bodily injury.

2 (b) Reasonable grounds for injured person's  
3 refusal. In determining whether an injured person has  
4 reasonable grounds for continuing refusal to submit to  
5 the specified procedure, treatment, or training, the  
6 court shall take into account, among all other relevant  
7 factors, the extent of the probable benefit, the  
8 attendant risks, the extent to which the procedure,  
9 treatment, or training is or is not recognized as  
10 standard and customary, and whether the imposition of  
11 sanctions because of the injured person's refusal would  
12 abridge his right to the free exercise of his religion.

13 (c) Sanctions. The sanctions that may be invoked  
14 in such an order include, but are not limited to, the  
15 following: (i) an order that personal protection  
16 insurance benefits be reduced or terminated at such time  
17 as necessary to limit recovery of benefits to an  
18 amount equal to the benefits that in reasonable proba-  
19 bility would have been due had the injured person  
20 submitted to such rehabilitative procedure, treatment, or  
21 training; (ii) an order that the physical or mental  
22 condition of the injured person shall be taken to be  
23 established for the purposes of the claim in accordance  
24 with the contention of the insurer; (iii) an order that,  
25 if the insurer elects to pay a specified lump sum (found  
26 to be fair and reasonable compensation in lieu of  
27 benefits that in reasonable probability would be due if  
28 the injured person submitted to the specified procedure,  
29 treatment, or training), it shall be fully discharged  
30 from all liability arising from the accidental bodily

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1 injury.

2 (6) Charges for treatment of injured persons. Any  
3 physician, hospital, clinic, or other person or  
4 institution lawfully rendering treatment to an injured  
5 person for an accidental bodily injury covered by personal  
6 protection insurance, and any person or institution  
7 providing rehabilitative occupational training following  
8 such an injury, may charge a reasonable amount for the  
9 products, services, and accommodations rendered. In  
10 no event, however, may such a charge be in excess of the  
11 amount the person or institution customarily charges  
12 for like products, services, and accommodations in  
13 cases involving no insurance.

14 (7) Discovery of facts about an injured person.

15 (a) From injured person's employer. Every employer  
16 shall, if a request is made by a personal protection  
17 insurer against whom a claim has been made, furnish  
18 forthwith, in a form approved by the commissioner of  
19 insurance, a sworn statement of the earnings since the  
20 time of the accidental bodily injury and for a reasonable  
21 period before the injury, of the person upon whose  
22 injury the claim is based.

23 (b) From physicians, hospitals, clinics, and other  
24 medical institutions. Every physician, hospital, clinic,  
25 or other medical institutions providing, before or after  
26 an accidental bodily injury upon which a claim for  
27 personal protection insurance benefits is based, any  
28 products, services, or accommodations in relation to that  
29 or any other injury, or in relation to a condition  
30 claimed to be connected with that or any other injury,

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shall, if requested to do so by the insurer against whom the claim has been made; furnish forthwith a written report of the history, condition, treatment, and dates and costs of such treatment of the injured person and; produce forthwith and permit the inspection and copying of his or its records regarding such history, condition, treatment, and dates and costs of treatment.

(c) Disputes as to rights of discovery. In the event of any dispute regarding an insurer's right to discovery of facts about an injured person's earnings or about his history, condition, treatment, and dates and costs of such treatment, a court may enter an order for such discovery. The order may be made only on motion for good cause shown and upon notice to all persons having an interest, and it shall specify the time, place, manner, conditions, and scope of the discovery. A court may, in order to protect against annoyance, embarrassment, or oppression, as justice requires, enter an order refusing discovery or specifying conditions of discovery and may order payments of costs and expenses of the proceeding, including reasonable fees for the appearance of attorneys at the proceedings, as justice requires.

Section 9. Authority, obligations and elections of insurers.

(1) Motor vehicle liability insurers authorized to write personal and property protection and residual liability insurance. Every insurer licensed to write motor vehicle liability insurance in this state is authorized to offer personal and property protection

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1 insurance and residual liability insurance as described  
2 in this chapter.

3 (2) Motor vehicle damage insurance. If the  
4 insured so elects, the insurer writing personal and  
5 property protection insurance shall also provide  
6 insurance for accidental loss of or damage to motor  
7 vehicles owned by the insured, regardless of fault,  
8 subject to any deductible stated on the face of the  
9 policy and to a limit not less than the actual cash  
10 value of the vehicle, and subject to any exclusion as  
11 to damage caused otherwise than by collision or upset.

12 (3) Added protection insurance. If the insured  
13 so elects, the insurer writing personal and property  
14 protection insurance may also provide added protection  
15 insurance; insuring against all or part of any amount  
16 of loss that would be excluded by the limits on  
17 hospital charges, funeral and burial expenses and monthly  
18 work loss set forth in subsection 3(2) or; indemnifying  
19 according to a reasonable schedule for a permanent  
20 loss of fifty percent (50%) or more of the functions of  
21 a vital part of the body or a substantial and permanent  
22 disfigurement.

23 (4) Insurer's certification to subject out-of-state  
24 policies to the personal and property protection system  
25 for in-state injuries and property damage. (a) Admitted  
26 insurers required to make certification. Every insurer  
27 licensed to write motor vehicle liability insurance and  
28 personal and property protection insurance in this state  
29 is required to file and maintain a written certification  
30 that any accidental bodily injury or property damage

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1 occurring in this state arising from the ownership,  
2 operation, maintenance or use of a motor vehicle as a  
3 motor vehicle by out-of-state residents who are insured  
4 under its motor vehicle liability insurance policies,  
5 shall be subject to the personal and property protection  
6 insurance system set forth in this chapter.

7 (b) Non-admitted insurer's certification. Any  
8 non-admitted insurer may voluntarily file the  
9 certification described in subsection (a).

10 (c) Effect of certification. When a certification  
11 filed under subsection (a) or (b) applies to accidental  
12 bodily injury or property damage, the insurer and its  
13 insureds with respect to that injury or damage have all  
14 the rights and immunities under this act for personal  
15 and property protection insureds, and claimants have  
16 all the rights and benefits of personal and property  
17 protection insurance claimants, including the right  
18 to receive benefits from the electing insurer as if  
19 it were an insurer of personal and property protection  
20 insurance applicable to the accidental bodily injury  
21 or property damage.

22 (5) Rates and classifications. Rates and  
23 classifications for personal and property protection  
24 insurance, including added protection coverage, shall  
25 be subject to the law regulating casualty insurance  
26 rates in this state.

27 Section 10. Assigned claims plan.

28 (1) Organization and maintenance of an assigned  
29 claims bureau and plan. Insurers authorized to write  
30 personal protection insurance in this state are

1 authorized, subject to approval and regulation by the  
2 commissioner of insurance, to organize and maintain an  
3 assigned claims bureau and an assigned claims plan,  
4 and to formulate and from time to time amend rules  
5 and regulations for their operations and the assessment  
6 of costs on a fair and equitable basis consistent with  
7 the provisions of this chapter. In default of the  
8 organization and continued maintenance of an assigned  
9 claims bureau and assigned claims plan, the commissioner  
10 of insurance shall organize and maintain such a bureau  
11 and plan.

12 (2) Insurers required to participate. Every  
13 insurer writing personal protection insurance in this  
14 state is required to participate in the assigned claims  
15 bureau and the assigned claims plan.

16 (3) Persons entitled to claim through the assigned  
17 claims plan; benefits to which entitled. (a) Any person  
18 entitled to claim because of accidental bodily injury  
19 arising out of the ownership, operation, maintenance or  
20 use of a motor vehicle as a motor vehicle in this state  
21 may obtain personal protection insurance benefits through  
22 the assigned claims plan established pursuant to this  
23 chapter if; no personal protection insurance is applicable  
24 to the injury, or; no personal protection insurance  
25 applicable to the injury can be identified, or; the only  
26 identifiable personal protection insurance applicable  
27 to the injury is, because of financial inability of  
28 one or more insurers to fulfill their obligations,  
29 inadequate to provide benefits up to the maximum  
30 prescribed (in which last case all unpaid benefits due



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or coming due are subject to being collected under the assigned claims plan, and the insurer to which the claim is assigned, or the bureau of assigned claims if the claim is assigned to it, is entitled to reimbursement from the defaulting insurers to the extent of their financial responsibility).

(b) A person who because of a limitation or exclusion in section 3 is disqualified from receiving personal protection insurance benefits under a policy otherwise applying to his accidental bodily injury is also disqualified from receiving benefits under the assigned claims plan.

(4) Claimant to notify bureau for assignment of his claim. A person claiming through the assigned claims plan shall notify the bureau of his claim within the time that would have been allowed for filing an action for personal protection insurance benefits had there been in effect identifiable coverage applicable to the claim. The bureau shall promptly assign the claim in accordance with the plan and notify the claimant of the identity and address of the insurer to which the claim is assigned (or of the bureau if the claim is assigned to it). No action by the claimant shall be commenced later than thirty (30) days after receipt of notice of the assignment or the last date on which the action could have been commenced against an insurer of identifiable coverage applicable to the claim, whichever is later.

(5) Principle of assignment. The assignment of claims shall be made according to rules and regulations

1 that assure fair allocation of the burden of assigned  
2 claims among insurers doing business in the state on  
3 a basis reasonably related to the volume of personal  
4 protection insurance they write. Insurers to whom  
5 claims have been assigned shall make prompt payment  
6 of loss in accordance with the terms of this act and  
7 shall thereupon be entitled to reimbursement by the  
8 bureau for such payments and the established loss  
9 adjustment cost. The insurer to whom a claim is  
10 assigned shall preserve and enforce all rights to  
11 indemnity or reimbursement against third parties and  
12 account to the assigned claims bureau therefor.

13 (6) Costs of operation of the assigned claim  
14 bureau. Losses paid, the cost of adjusting such losses  
15 and costs incurred in the operation of the bureau shall  
16 be assessed against insurers according to rules and  
17 regulations that assure fair allocation among insurers  
18 writing personal protection insurance in the state, on  
19 a basis reasonably related to the volume of personal  
20 protection insurance they write.

21 (7) Costs of assigned claims plan to affect  
22 premiums. All reasonable costs incurred in the handling  
23 and disposition of assigned claims (including amounts  
24 paid pursuant to assessments under subsection 10(6)  
25 shall be taken into account in making and regulating  
26 rates for personal protection insurance.

27 (8) Rights against uninsured motor vehicle owners  
28 or registrants. The insurer obligated to pay personal  
29 protection insurance benefits for accidental bodily  
30 injury to a person occupying an uninsured motor vehicle

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1 or to the spouse or relative resident in the household  
2 of the owner or registrant of an uninsured motor vehicle  
3 shall be entitled to recover all such benefits paid and  
4 appropriate loss adjustment costs incurred from the owner  
5 or registrant of the uninsured motor vehicle or from  
6 his estate. The failure of such person to make payment  
7 within thirty (30) days shall be grounds for suspension  
8 or revocation of his motor vehicle registration and  
9 operator's license. An uninsured motor vehicle for  
10 the purpose of this subsection is a motor vehicle with  
11 respect to which no security as required by section  
12 2 of this act is in effect at the time of the accident.

13 Section 11. Severability and constitutionality.  
14 If any provisions of this chapter or the application  
15 thereof to any person or circumstance is held  
16 unconstitutional, the remainder of this chapter and the  
17 application of such provision to other persons or  
18 circumstances shall not be affected thereby, and it  
19 shall be conclusively presumed that the legislature  
20 would have enacted the remainder of this chapter  
21 without such invalid or unconstitutional provision.

22 Section 12. Effective date. This act shall  
23 take effect with respect to motor vehicle accidents  
24 occurring on or after July 1, 1972, and all acts and  
25 parts of acts inconsistent herewith shall thereupon  
26 be repealed.

February 5, 1971

JUDICIARY COMMITTEE

The meeting was called to order in room 300 of the Capitol Building on Friday, February 5, at 9 a.m. with Chairman Jeffrey J. Scott presiding. All members were present except Mr. Warfield and Mr. Zimmer.

HOUSE BILL 435 Representative Harrison gave an explanation of this bill which would provide that contributory negligence shall not be a bar to recovery of damages and that the jury may diminish damages. Mr. Wade Dahood, representing the Montana Trial Lawyers' Association, gave a statement in support of this bill. Chadwick Smith, representing the American Mutual Alliance, opposed this particular bill. Mr. John Risken gave a statement opposing this bill. There were no further witnesses, questions were asked and the hearing on this bill was closed.

HOUSE BILL 436 Representative Harrison explained the contents of this bill which would provide for a jury trial upon questions of fact of disability, amending section 92-822. Mr. Wade Dahood gave testimony in support of this bill. There were no further witnesses and no questions were asked.

HOUSE BILLS 512, 514, 516 Representative Harrison explained these bills, which would raise the limit of liability for bodily injury to \$25,000/\$50,000 for minimum proof of financial responsibility. Mr. Wade Dahood gave testimony in support of these bills. Mr. Chad Smith, representing the American Mutual Insurance Alliance, gave a statement in opposition but he felt they could agree to increase this to \$15,000/\$30,000. Mr. John Risken also spoke in opposition to this bill as far as the limits were concerned. There were no further witnesses. Questions were asked and the hearing was closed.

HOUSE BILL 515 There were no sponsors present and no witnesses.

HOUSE BILL 451 Representative Fagg gave an explanation of this bill, which would provide for personal and property protection motor vehicle insurance with benefits payable without regard to fault. He introduced Mr. W. Victor Slevin, from San Francisco, California, representing the American Insurance Association. Mr. Slevin gave a detailed statement explaining the contents of this bill. Mr. Wade Dahood representing the Montana Trial Lawyer's Association, spoke in opposition to this bill. Mr. Chad Smith, representing American Mutual Insurance Alliance, and Tom Harrison spoke in opposition to this bill. Questions were asked and the hearing on this bill was closed.

HOUSE JOINT RESOLUTION

29

Representative Fagg gave an explanation of this resolution which, in the event, HB 451 does not pass, would request that the legislative council conduct a study of the feasibility of adopting a no fault motor vehicle insurance plan and report its findings to the 43rd Legislative Assembly. Mr. Slevin representing the American Insurance Association, gave a statement in support of this resolution. Mr. Tom Maddox, representing the Association of Independent Insurance Adjusters, gave a statement in support of this resolution. Mr. Chad Smith appeared in opposition to this resolution. Mr. Wade Dahood spoke in opposition. There were no further witnesses and the hearing on this bill was closed.

EXECUTIVE SESSION

HOUSE BILL 486

Mr. Mather moved that House Bill 486 do pass. A motion was made that House Bill 486 DO NOT PASS. Motion carried.

HOUSE BILL 510

Mr. McNamer moved to amend the bill on line 13 after the word "shall" by striking the material "also offer to provide for" and inserting in lieu thereof the material "require the debtor to secure". Motion carried. Mr. Mather moved to amend by striking section 2 in its entirety. Motion carried. Mr. McNamer made a motion that the bill do pass as amended. Mr. Towe made a substitute motion that on line 19 after the word "liability" the words "and property damage" be stricken. Motion carried. A motion was made that House Bill 510 DO PASS AS AMENDED. Motion carried.

HOUSE BILL 497

Mr. Towe proposed several amendments. (See Standing Committee Report). A motion was made that the amendments be adopted. Motion carried. Mr. Hall moved to amend in section 2, subsection (b) after the word "years" by inserting the material "over whom the juvenile court may have jurisdiction under section 10-603, R.C.M., 1947, and". This motion carried. Mr. Towe moved that House Bill 497 DO PASS AS AMENDED. Motion carried.

HOUSE BILL 451

A motion was made that House Bill 451 DO NOT PASS. Motion carried.

HOUSE JOINT RESOLUTION

29

A motion was made that House Joint Resolution 29 do pass. Motion was made that the bill be amended on line 29, page 1, after the material "ways--" by striking the material "tort system and other," and on line 30 after the word "Montana," by striking the word "other" and further amended on page 2, line 1 through 3 by striking the material "states, Canada and other countries, together with trends for more stringent operators' licensing requirements in all states and countries," and as so AMENDED DO PASS. Motion carried.

NAME W. VICTOR SLEVIN

BILL No. 451

ADDRESS 465 CALIFORNIA ST

DATE 2-5-71

SAN FRANCISCO, CALIF, 94104

WHOM DO YOU REPRESENT? AMERICAN INSURANCE ASS'N.

SUPPORT?



OPPOSE?

AMEND?

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Name

RISKEN

Bill No. 451

Address

Date 2-5-71

Whom do you represent?

Amer. Ins. Assn.

Support?

X

Oppose?

Amend?

Please leave prepared statement with Secretary.

Name

May C. G. K. 1/18/55

Bill No. 237

Address

Box 1675

Date 2-5-57

Helena, Mont.

Whom do you represent?

Farmers & Ranchers

Support?

Oppose?

Amend?

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.